

Robert A. Weikert (Bar No. 121146)
rweikert@nixonpeabody.com
Dawn N. Valentine (Bar No. 206486)
dvalentine@nixonpeabody.com
NIXON PEABODY LLP
One Embarcadero Center
San Francisco, California 94111-3600
Tel: (415) 984-8200
Fax: (415) 984-8300

David L. May (appearance pro hac vice)
dmay@nixonpeabody.com
Jennette E. Wiser (appearance pro hac vice)
jwiser@nixonpeabody.com
NIXON PEABODY LLP
799 9th Street NW
Washington, DC 20001-4501
Tel: (202) 585-8000
Fax: (202) 585-8080

Deanna R. Kunze (*pro hac vice* pending)
dkunze@nixonpeabody.com
Jason T. Kunze (appearance pro hac vice)
jkunze@nixonpeabody.com
NIXON PEABODY LLP
70 West Madison Street, 35th Floor
Chicago, IL 60602
Tel: (312) 977-4400
Fax: (312) 977-4405

Attorneys for Stardock Systems, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

STARDOCK SYSTEMS, INC.,

Plaintiff,

vs.

PAUL REICHE III and ROBERT
FREDERICK FORD,

Defendants.

AND RELATED COUNTERCLAIM
AND CROSS-CLAIMS

Case No.: 4:17-cv-07025-SBA

DECLARATION OF DEANNA R. KUNZE IN
SUPPORT OF STARDOCK'S RESPONSE TO
DEFENDANTS' IMPROPER REQUEST FOR
TELEPHONIC CONFERENCE

1 I, Deanna R. Kunze, declare:

2 1. I am an attorney at Nixon Peabody LLP, counsel for plaintiff Stardock Systems,
3 Inc. (“Stardock”), and have applied for admission *pro hac vice* in this case. I make this
4 declaration in support of Plaintiff’s Objections to Defendants’ Improper Request for Telephonic
5 Conference. Unless otherwise noted, I have personal knowledge of the following and, if called
6 upon to do so, would and could testify competently to the same in a court of law.

7 2. I understand that Dawn Valentine has previously submitted a declaration in support of
8 the Administrative Motion to Modify the Scheduling Order. (Dkt. 91).

9 3. On November 20, 2018, Dawn Valentine responded to the deposition notices
10 unilaterally scheduled by Counterclaimants by notifying them that the noticed dates would not
11 work, and that further meet and confer attempts were necessary. I was copied on this email, and a
12 true and accurate copy of that communication is attached hereto as Exhibit A.

13 4. On November 21, 2018, Stephen Steinberg, lead counsel for Counterclaimants, sent an
14 email to Dawn Valentine, counsel of record for Stardock, in which he outlined the circumstances
15 under which Counterclaimants would be willing to mediate, with a corresponding extension of
16 the case schedule to accommodate attempts at mediation. I was copied on this email, and a true
17 and accurate copy of that communication is attached hereto as Exhibit B.

18 5. On Monday, November 26, 2018, Dawn Valentine and I spoke with
19 Counterclaimants’ counsel (Mr. Steinberg and Ms. Hansen). We proposed mediation in late
20 January or early February based on the two preferred mediators’ availability and that of the
21 Stardock participants and counsel. While Stardock originally proposed a five-month extension of
22 the schedule, on the call we proposed an extension until March 8 or March 15 to allow for the
23 mediation in late January or early February, as a compromise.

24 6. Mr. Steinberg then indicated for the first time that he and his clients would only agree
25 to mediation if we provided them with two full sets of deposition dates, one assuming no
26 mediation and one assuming mediation.

